



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

CRS  
Docket No: 7273-01  
27 December 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 December 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 23 January 1990 at age 19. On 19 September 1990 you received nonjudicial punishment for an unauthorized absence of three days. A psychiatric evaluation, conducted on 21 September 1990, found that you had a personality disorder noted that you were a high risk for future suicidal behavior.

On 30 November 1990 the commanding officer recommended that you be separated with a general discharge by reason of the diagnosed personality disorder. When informed of the recommendation, you elected to waive the right to submit a statement in response to the proposed action. After review by the discharge authority, the recommendation for separation was approved and you received a general discharge on 31 January 1991.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your contention that you were lied to by your recruiter and that you lied to get out of the Marine Corps. However, the Board concluded that these

factors were not sufficient to warrant recharacterization of your discharge given the fact that in about a year of service, you received a disciplinary action. Additionally, there is no evidence in the record, and you have provided none, that your recruiter lied to you. Further, it is well settled in the law that an individual who procures his discharge by fraud should not benefit from the fraud when it is discovered. Therefore, the Board concluded that your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director